

NYPD Officers. Said acts by the Defendants Officers were beyond the scope of their jurisdiction, without authority of law, and in abuse of their powers, and said defendants acted willfully, knowingly, and with the specific intent to deprive me of my constitutional rights secured by Article 1, Section 12 of the New York Constitution.

5. Defendants, their officers, attorneys, agents, servants and employees were responsible for the deprivation of my state constitutional rights. Defendants, as employer, are, is responsible for their wrongdoing under the doctrine of respondent superior.
6. As a direct and proximate result of the misconduct and abuse of authority detailed above, plaintiff sustained the damages herein-before alleged.

AS FOR A FOURTH CAUSE OF ACTION:

Negligent Infliction of Emotional Distress-John Doe Officers

1. I hereby restate all paragraphs of this complaint, as though fully set forth below.
2. The Defendants engaged in extreme and outrageous conduct, intentionally and recklessly, and unlawfully continue to maliciously prosecute me, as duly noted in court case no. 11 CV 0782, causing me severe emotional distress.
3. As duly noted in court case no. 11 CV 0782, this emotional distress has damaged my personal and professional life because of the severe mental pain and anguish which were inflicted through deliberate and malicious prosecution by the defendants Officers. If I had snapped, resisted or reacted due to mental anguish when officer Diliberto unlawfully assaulted me, I fear he would have used lethal force against me.
4. Defendants, their officers, agents, servants, and employees were responsible for the continuous, and unlawful intentional infliction of emotional distress suffered by me at

the hand of the Defendants' employees. Defendants, as employers, are responsible for their wrongdoing under the doctrine of respondent superior.

5. As a direct and proximate result of the misconduct and abuse of authority detailed above, I have sustained the damages herein-before stated.

AS A FIFTH COURSE OF ACTION:

Negligence against John Doe Officers

1. I repeat and re-allege all paragraphs as if each paragraph is repeated verbatim herein.
2. As a direct and proximate result of the negligent acts of all the defendants, City of New York as set forth herein, as duly noted in court case no. 11 CV 0782, I have suffered and continue to suffer conscious pain and suffering, loss of income, and severe mental anguish.
3. That by reason of said negligence, as duly noted in court case no. 11 CV 0782, I have suffered and still suffer great pain, agony and mental anguish and is informed and verily believes that I will continue to suffer for a long time to come; I have suffered economic loss inasmuch I am continuously deprived of my pursuits and interests unlawfully and verily believe that in the future I will continue to be deprived of such pursuits; and that said injuries are permanent. I fear that if I had snapped, resisted or reacted due to mental anguish when officer Diliberto unlawfully assaulted me, I fear he would have used lethal force against me.
4. This action falls within one or more of the exceptions of the New York State Civil Practice Law and Rules 1602.

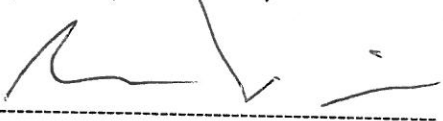
WHEREFORE, I respectfully request judgment against the Defendants as follows:

1. Due to the fact that officer Diliberto engaged in extreme and outrageous conduct, intentionally and recklessly, and unlawfully assaulted me causing me severe injuries and emotional distress.
2. Also due to the fact that as a U.S.M.C. veteran I fear that if I had snapped, resisted or reacted due to mental anguish when officer Diliberto unlawfully assaulted me he would have used lethal force against me I request payment of 1 million dollars and because I was operating in my Sovereign capacity when these transgressions occurred I request payment in Gold.
3. For All Causes of Action against all the defendants, compensatory and punitive damages in an amount to be determined at trial.
4. Such and further relief as this Court may deem necessary in the interest of justice.

Dated:

March 22, 2013

Respectfully Submitted,



Marc Pierre

316 West 97 st. spt 44C

New York, N.Y. 10025

(917) 531-4714



MICHAEL R. BLOOMBERG
MAYOR

CIVILIAN COMPLAINT REVIEW BOARD
40 RECTOR STREET, 2ND FLOOR
NEW YORK, NEW YORK 10006 ♦ TELEPHONE (212) 442-8833
www.nyc.gov/ccrb

JOAN M. THOMPSON
EXECUTIVE DIRECTOR

April 3, 2013

Mr. Marc Pierre
316 West 97th Street Apt 44C
New York, NY 10025

RE: OCD 201302348

Dear Mr. Pierre:

The Civilian Complaint Review Board (CCRB) acknowledges the receipt of your complaint.

The CCRB has jurisdiction to investigate complaints filed against officers of the New York City Police Department that allege excessive use of force, abuse of authority, discourtesy, or use of offensive language, including slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. We have determined that your complaint does not fall within the board's jurisdiction, either because the allegations do not fall within our jurisdiction or because the subject of the allegations is a civilian employee of the police department.

The Office of the Chief of Department (OCD) of the New York City Police Department has jurisdiction to investigate complaints that question the validity of summonses and arrests, and the competence with which police officers perform their general duties; it is also authorized to investigate complaints filed against civilian employees of the police department. Therefore, we have referred your complaint to the Office of the Chief of Department for investigation.

An OCD control number has been obtained for you and it appears at the top of this page. An investigator assigned by the Office of the Chief of Department will contact you and will handle all further action regarding your complaint.

If you have any questions, please contact the Office of the Chief of Department, 300 Gold Street 3rd Floor, Brooklyn, New York 11201, telephone number (718)-834-3382. Please refer to your OCD control number when making all inquiries.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Alvarez", with a large, stylized flourish at the end.

Denise Alvarez
Director of Case Management

CCRB
Apr 03, 2013**Complaint Report (CCRB)**

CCRB Case No :	201302348	C/V Report Date :	Wed, 03/20/2013
Complaint Type :	OCD	Investigator :	Not Assigned
Complaint Made At :	IAB	Ref. No :	13-11867
Received Date (CCRB) :	Thu, 03/28/2013 04:32 PM	Mode :	Phone
Incident Date :	Wed, 03/20/2013 08:00 PM	Location :	Subway station/train
Place of Occurrence :	Broadway & West 96th Street	Precinct :	
		Boro :	Manhattan

Reason for Initial Contact : Other

Charges : No arrest made or summons issued

Complainant/Victim Details

Name :	Marc Pierre	Type :	Comp/Victim
Address :	316 West 97th Street, Apt 44C New York NY 10025, USA		

Contacts :

Gender :	Male	Ethnicity :	Unknown	Date of Birth :	04/18/1977
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Person Assisting :

Injury Details :

Officer(s) Named in Complaint

Rank	Officer	S/W Officer	Tax No	Race	Cmd	Allegations/Board Dispositions
POM	Anthony Diliberto	Subject Officer	926771	White	026	

Initial Complaint Narrative

03/21/13 THE ORIGINAL LOG #2013-11697 WAS ASSESSED AS "OG". THIS IS A SPIN OFF CCRB FADO-FORCE ALLEGATION 03/20/13 @ 2000 Hrs. Ext. 2238 911 operator #2294 called the c/c and connected Marc Pierre who states that he was in the train station trying to get someone, anyone to swipe him into the system when he was approached and asked to leave by PO Diliberto Shield #15189. Mr. Pierre states that he told the officer he was waiting to get a swipe when he was grabbed by the officer and pushed out of the train station.

Witness

CAUTION NOT TO BE USED FOR IDENTIFICATION PURPOSES

THIS IS AN IMPORTANT RECORD. SAFEGUARD IT.

ANY ALTERATIONS IN SHADEL AREAS RENDER FORM VOID

CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY

1. NAME (Last, First, Middle) **PIERRE, Marc Gerard** 2. DEPARTMENT, COMPONENT AND BRANCH **USMC-11** 3. SOCIAL SECURITY NO. **057 66 9974**

4.a. GRADE, RATE OR RANK **CPL** 4.b. PAY GRADE **E4** 5. DATE OF BIRTH (YYMMDD) **770418** 6. RESERVE OBLIG. TERM. DATE Year **03** Month **04** Day **21**

7.a. PLACE OF ENTRY INTO ACTIVE DUTY **BROOKLYN NY 11252** 7.b. HOME OF RECORD AT TIME OF ENTRY (City and state, or complete address if known) **2940 W 21ST ST APT 2-W BROOKLYN NY 11224**

8.a. LAST DUTY ASSIGNMENT AND MAJOR COMMAND **1 MEE HEADQUARTERS GROUP CAMPEN, CA 92055** 8.b. STATION WHERE SEPARATED **1 MEE HEADQUARTERS GROUP (20171)**

9. COMMAND TO WHICH TRANSFERRED **CG MCRSC 15303 Andrews Road Kansas City MO 64147-1207** 10. SGLI COVERAGE ☐ None Amount: \$ **200,000**

11. PRIMARY SPECIALTY (List number, title and years and months in specialty. List additional specialty numbers and titles involving periods of one or more years.) **0151 - ADMINISTRATIVE CLERK (03 YEARS, 06 MONTHS)**

12. RECORD OF SERVICE	Year(s)	Month(s)	Day(s)
a. Date Entered AD This Period	96	02	07
b. Separation Date This Period	00	02	06
c. Net Active Service This Period	04	00	00
d. Total Prior Active Service	00	00	00
e. Total Prior Inactive Service	00	09	15
f. Foreign Service	00	00	00
g. Sea Service	00	00	00
h. Effective Date of Pay Grade	08	06	01

13. DECORATIONS, MEDALS, BADGES, CITATIONS AND CAMPAIGN RIBBONS AWARDED OR AUTHORIZED (All periods of service) **Sea Service Deployment Ribbon x2. Letter of Appreciation. Good Conduct Medal**

14. MILITARY EDUCATION (Course title, number of weeks, and month and year completed) **ADMIN CLERK CRS (09WKS, 96/08)**

15.a. MEMBER CONTRIBUTED TO POST-VIETNAM ERA VETERANS' EDUCATIONAL ASSISTANCE PROGRAM ☐ Yes ☒ No 15.b. HIGH SCHOOL GRADUATE OR EQUIVALENT ☐ Yes ☒ No 16. DAYS ACCRUED LEAVE PAID **0**

17. MEMBER WAS PROVIDED COMPLETE DENTAL EXAMINATION AND ALL APPROPRIATE DENTAL SERVICES AND TREATMENT WITHIN 90 DAYS PRIOR TO SEPARATION ☒ Yes ☐ No

18. REMARKS
GOOD CONDUCT MEDAL PERIOD STARTS: 990207
"WHILE A MEMBER OF THE MARINE CORPS RESERVE YOU WILL KEEP THE DIRECTOR, MCRSC (TOLL FREE PHONE 1-800-255-5082) INFORMED OF ANY CHANGES OF ADDRESS, MARITAL STATUS, NUMBER OF DEPENDENTS, CIVILIAN EMPLOYMENT, OR PHYSICAL STANDARDS."
SUBJECT TO ACTIVE DUTY RECALL AND/OR ANNUAL SCREENING.

19.a. MAILING ADDRESS AFTER SEPARATION (Include Zip Code) **2940 WEST 21st ST APT 2-W BROOKLYN NY 11224** 19.b. NEAREST RELATIVE (Name and address - include Zip Code) **GERARD PIERRE (FATHER) 2940 WEST 21st ST APT 2-W BROOKLYN NY 11224**

20. MEMBER REQUESTS COPY 5 BE SENT TO ☒ DIR. OF VET AFFAIRS ☐ Yes ☒ No 22. OFFICIAL AUTHORIZED TO SIGN (Typed name, grade, title and signature) **S.M. CENTRAL CHIEF ADDRESSO USMC**

21. SIGNATURE OF MEMBER BEING SEPARATED **[Signature]**

SPECIAL ADDITIONAL INFORMATION (For use by authorized agencies only)

23. TYPE OF SEPARATION **Released from active duty** 24. CHARACTER OF SERVICE (Include upgrades) **Honorable**

25. SEPARATION AUTHORITY **MARCORSEPMAN PAR 1005** 26. SEPARATION CODE **MBK1** 27. REENTRY CODE **RE-1A**

28. NARRATIVE REASON FOR SEPARATION **COMPLETION OF REQ ACT SVC (EAS) USMC**

29. DATES OF TIME LOST DURING THIS PERIOD **[Blank]** 30. MEMBER REQUESTS COPY 4 **M.O.P.** Initials